

**Amendments to the Drawings**

Formal drawings were submitted with a mailing date of April 12, 2002. Approval by the Examiner is respectfully requested.

### **REMARKS**

Formal drawings were submitted with a mailing date of April 12, 2002. Approval by the Examiner is respectfully requested.

Currently claims 1-20 are pending in the application. Claims 1-20 have been rejected.

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Philomin et al. et al. (US Pub. No. 2003/0081834) in view of Strubbe et al. (US Pat. No. 6,795,808).

Claims 1, 2, 9 and 11 have been amended to more clearly set forth the invention. Claims 1, 9 and 11, are the only independent claims in this case. Amended Claim 1 is representative of the other two independent claims. Applicants' amended independent Claim 1 relates to a method for collecting and associating affective information for a plurality of images in an imaging system. A particular user views a plurality of digital images and affective information associated with each of the plurality of digital images is stored. The stored collected affective information is used to retrieve particular digital images from the plurality of digital images. It should be noted that in claims 9 and 11 the stored collected affective information associated with the user is used to retrieve particular digital images.

Philomin et al. fails to show or suggest Applicants' claimed feature of storing in a database the collected affective information for each of the plurality of digital images and associating the collected affective information with the particular user. Moreover, Philomin et al. does not use stored collected affective information associated with particular images for retrieving those images. Paragraphs [0022] and [0023] of Philomin et al. as cited by the Office Action on page 2 indicate that observation unit 12 monitors and captures the emotional state of the viewer in order to change the viewing condition. However, Philomin et al. does not indicate that information collected by observation unit 12 is stored in a database. In addition, although control unit 16 of Philomin et al. analyzes the data from observation unit 12 to determine if there is a match between the observed behavior and a predetermined facial expression, Philomin et al. does not teach, suggest, or provide any motivation for associating collected

affective information with a particular user. Rather, Philomin et al. describes (e.g., in paragraph [0022]) that facial expressions can be associated with emotional states – this association is different from associating affective information with a particular user. Philomin et al. uses facial expressions to adjust the electrical power supplied to electrical devices such as a fan provided in the room where the images are viewed. There is no motivation or suggestion in Philomin et al. to use affective information derived from viewing a plurality of digital images to facilitate retrieval of a particular one of those digital images.

Thus, for at least the reasons described above, Applicants respectfully submit that Philomin et al. fails to show or suggest Applicants' claimed invention as set forth in independent claims 1, 9 and 11.

Strubbe et al. relates to an interaction simulator which interacts with a user by posing questions based upon the facial expression of the user. For example, in col. 7, line 27 et seq., an inter action simulator provides inter action between the user and the simulator by automatically adapting itself to a particular user. The simulator can extract likes and dislikes from dialogues which are stored in the database. Applicants can find nothing in Strubbe et al. that in any way relates to retrieving particular images from a plurality or set of images that have been viewed by a particular user. Rather, the information stored in the database, permits the system to suggest other programs that may be of interest to the user but have not yet been viewed by the user.

Applicants can not see how Strubbe et al. can in any way be combined with Philomin et al. to produce the subject matter set forth in claims 1, 9 and 11. The remaining claims depend upon independent claims 1, 9 and 11 and should be allowed along with them.

It is believed that these changes now make the claims clear and definite and, if there were any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed that none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Raymond L. Owens', written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.